of the testator. This same construction is followed in a number of American cases even though terms of survivorship are used in immediate conjunction or reference to a life estate or other period to take effect after testator's decease and before the bequest can be enjoyed. *Porter* v. *Porter,* 50 Mich. 456; *Aspy* v. *Lewis,* 152 Ind. 493; *Johnes* v. *Beers,* 57 Conn. 295.

WILLS—INDEFINITENESS—EFFECT.—Testatrix, who owned six leaseholds varying in value as well as in income and expenditure for ground rent and taxes, devised "one house" to one son, "one house" to another son and "one house" to a third son, and then devised a designated house to one daughter and two other designated houses to another daughter. *Held,* reversing the appellate division of the supreme court, that the will was not void for indefiniteness as to the devises to the sons, but that they were entitled to elect as to the house each would take in accordance with the order in which they were named in the will. *In re Turner's Will* (N. Y. 1912) 99 N. E. 187.

Where a gift comprises a definite portion of a large quantity, it is not rendered nugatory by the omission of the testator to point out the specific part which is to form such portion, the devisee or legatee being in such case entitled to select. So if a testator devise a messuage and ten acres of land surrounding it, part of a larger number of acres, the choice of the ten acres is in the devisee; *Hobson* v. *Blackburn,* 1 My. L. & K. 572. And this was a most ancient rule, for in SHEPPARD'S TOUCHSTONE, 251, we read that "if one be seized of two acres and grant one acre to A, then A shall elect," and in *Grace Marshall's case,* 40 Eliz., it was held that a devise of two acres of land out of four is a good devise and the devisee shall have full election. DYER, 281 a. n., 8 Vin. Abr. 48 pl. 11; *Peck* v. *Halsey,* 2 P. Wms. 387. And the devisee shall make the choice and no one else; *Jacques* v. *Chambers,* 2 Coll. 35. But the difficulty in the principal case was that there was more than one devisee and the third son would have no choice at all but would have to take what was left. But the court held that since each would have been good if standing alone, they should be taken separately and thus decided. The court cited for authority *Duckmanton* v. *Duckmanton,* 5 H. & N. 219, where the testator having two closes devised one to his elder son and one to his younger son; they tossed to see which should have the choice, and the court held that this was an exercise of the elder son's right to election.